

AARON D. FORD  
Attorney General  
ANDREW C. NELSON, Bar No. 15971  
Deputy Attorney General  
State of Nevada  
100 N. Carson Street  
Carson City, NV 89701-4717  
Tel: (775) 684-1227  
E-mail: acnelson@ag.nv.gov

*Attorneys for Defendants  
James Dzurenda, Joseph Ferro,  
Micaela Garofalo, Guillermo Hernandez,  
William Hutchings, Monique Hubbard-Pickett,  
Marc LaFluer, Leo Martinez,  
Kimberley McCoy, Jennifer Nash,  
Francis Oakman, and Brian Williams*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

LAUSTEVEION JOHNSON,

Plaintiff,

v.

GAROFALO, *et al.*,

Defendants.

Case No. 3:21-cv-00239-MMD-CLB

**ORDER GRANTING  
MOTION FOR EXTENSION OF TIME  
TO FILE DISPOSITIVE MOTIONS  
(FIRST REQUEST)**

Defendants James Dzurenda, Joseph Ferro, Micaela Garofalo, Guillermo Hernandez, William Hutchings, Monique Hubbard-Pickett, Marc LaFluer, Leo Martinez, Kimberley McCoy, Jennifer Nash, Francis Oakman and Brian Williams, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Andrew C. Nelson, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby move this Court for an extension of time to file dispositive motions. This Motion is made and based upon the Federal Rule of Civil Procedure 6(b)(1)(A) and LR 26-3.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

This is a *pro se* civil rights actions brought by Plaintiff, Lausteveion Johnson ("Johnson"), pursuant to 42 U.S.C. §1983. Johnson is currently incarcerated at Northern

Nevada Correctional Center (“NNCC”) within the Nevada Department of Corrections (“NDOC”). Pursuant to the Court’s mandatory screening process, Johnson was allowed to proceed on three (3) First Amendment Retaliation claims against the Defendants. (See ECF No. 20 at 12: 20-28).

Pursuant to this Court’s Scheduling Order, ECF No. 26, discovery was to be completed by January 9, 2023. (ECF No. 26 at 6:12). Additionally, any discovery motions were to be filed by January 24, 2023. (*Id.* at 6:20-21). However, Plaintiff recently filed a Motion to Compel, ECF No. 51, on February 2, 2023. As such, there is a pending Motion to Compel in this matter.

## II. LEGAL ARGUMENT

Defense counsel respectfully requests a thirty (30) day extension of time to file their dispositive motions from the current deadline of **March 9, 2023 until April 10, 2023<sup>1</sup>**, given Johnson’s pending Motion to Compel. (ECF No. 51). Notably, a pending Motion to Compel Discovery is on this Court’s docket, which could ultimately require more discovery to be completed and thus, an extension of the discovery deadlines. And therefore, a thirty (30) day extension may be sufficient for the parties to rectify the Motion to Compel, (ECF No. 51), and fully brief any dispositive motion.

Defendants provide the following information in accordance with Local Rule 26-3.

### A. Discovery Completed

- Defendants’ Initial Disclosures
- Defendant Brian Williams’ Answers to Plaintiff’s Interrogatories (Set One)
- Defendant Micaela Garofalo’s Answers to Plaintiff’s Interrogatories (Set One)
- Defendant Brian Williams’ Answers to Plaintiff’s Requests for Production of Documents (Set One)
- Defendant Micaela Garofalo Answers to Plaintiff’s Requests for Production of Documents (Set One)

---

<sup>1</sup> The 9<sup>th</sup> day falls on Sunday April 9, 2023, which is a Sunday. That date has been adjusted accordingly.

- Defendant Jennifer Nash's Answers to Plaintiff's Requests for Production of Documents (Set One)
- Defendant Kimberly McCoy's Answers to Plaintiff's Interrogatories (Set One)
- Defendant Brian Williams' Answers to Plaintiff's Request for Admissions (Set One)
- Defendant Micaela Garofalo's Answers to Plaintiff's Request for Admissions (Set One)
- Defendant Micaela Garofalo's Answers to Plaintiff's Interrogatories (Set Two)
- Defendant Monique Hubbard-Pickett's Answers to Plaintiff's Interrogatories (Set One)
- Defendant Brian Williams' Answers to Plaintiff's Requests for Admissions (Set Two)
- Defendant Micaela Garofalo's Answers to Plaintiff's Request for Admissions (Set Two)

**B. Discovery that Remains to be Completed.**

Plaintiff filed a Motion to Compel, (ECF No. 51), on February 2, 2023. As such a response was due on or before February 16, 2023. (ECF No. 55). Subsequently, Johnson filed a Reply to Defendants' Response to Motion to Compel. (ECF No. 56). At this time, there has been no disposition on Johnson's pending Motion to Compel.

**C. Reasons why the Deadlines Were Not Satisfied.**

Defense counsel respectfully requests a thirty (30) day extension to file their dispositive motion. Given, Plaintiff's pending Motion to Compel, (ECF No. 51), the Defendants may be required to provide additional discovery to Plaintiff, which would extend the discovery deadline. Additionally, one of the named Defendants is a former employee of the NDOC. Given that, communication with him is more difficult and the extension would allow an appropriate time to communicate with him in order to review and sign the necessary declarations for the dispositive motions.

///

Dispositive motion deadline: March 9, 2023

Joint pretrial order (if no dispositive motions filed): April 10, 2023

**D. Proposed Deadlines**

Dispositive motion deadline: April 10, 2023

Joint pretrial order (if no dispositive motions filed): May 10, 2023

**E. Good Cause Supports this Request.**

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendants' request is timely and will not hinder or prejudice Plaintiff's case, and will allow for a thorough opportunity to file a complete dispositive motion. The requested extension of time should permit the Defendants time to adequately gather the required declarations. Defendants assert that the requisite good cause is present to warrant the requested extension of time. In light of this situation, it is respectfully asserted that an extension is warranted. Therefore, a thirty (30) days extension is requested.

**III. CONCLUSION**

Defendants assert that the requisite good cause and extenuating circumstances are present to warrant the requested extension of time. Therefore, Defendants respectfully request an extension to file their dispositive motion. Defendants request an extension of 30 days, or to **Monday, April 10, 2023**, to file dispositive motions.

DATED this 7th day of March, 2023.

AARON D. FORD

Attorney General

By: /s/ Andrew C. Nelson


ANDREW C. NELSON, Bar No. 15971

Deputy Attorney General

IT IS SO ORDERED.

DATED: March 8, 2023

*Attorneys for Defendants*

  
UNITED STATES MAGISTRATE JUDGE